

# RUTHERFORD & CHRISTIE, LLP

NEW YORK

ATLANTA

August 16, 2007

Via Facsimile (914) 390-4179

Hon. Stephen C. Robinson  
United States Judge  
United States District Court  
300 Quarropas St., Room 633  
White Plains, NY 10601

## MEMO ENDORSED

Re: Linda DiMeglio v. Village of Briarcliff Manor  
Docket No. : 07 Civ. 3324 (SCR)  
Our File No. : 5001.122

Dear Judge Robinson:

We represent the defendant, Village of Briarcliff Manor, in the above-captioned matter. As discussed with your Law Clerk, we have received plaintiff's motion for a default dated August 8, 2007 and post marked August 13, 2007. The plaintiff's motion was returnable yesterday, August 15, 2007.

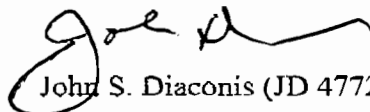
As we did not receive this motion prior to the scheduled return date and time, we respectfully request an extension of less than one week, until August 22, 2007, to move to dismiss the plaintiff's Complaint. The Court previously granted our request to move to dismiss on several grounds. We have recently learned that plaintiff's Article 78 petition has been decided in favor of the Village, and this will provide additional grounds for the proposed motion.

We apologize to everyone concerned for not previously filing the motion to dismiss. As we had not yet appeared in the case, we did not receive any of the ECF filings, including the Order setting forth the briefing schedule. We will file a Notice of Appearance via ECF today.

We thank the Court for its attention to this matter.

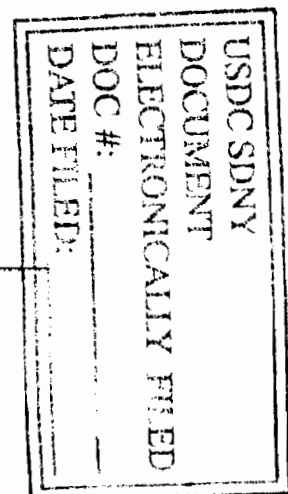
Respectfully yours,

RUTHERFORD & CHRISTIE, LLP

  
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The parties shall appear before  
the Court for an initial conference  
on Sept 7, 2007 @ 10:00am.  
Defendant's time to respond  
to the complaint is stayed  
from today's date through the  
initial conference.

APPLICATION GRANTED

  
HON. STEPHEN C. ROBINSON 8/16/07